

## **BASIS STATEMENT**

Amendments to Chapter 1000, State of Maine Guidelines for Municipal Shoreland Zoning  
Ordinances, 06-096CMR1000  
Section 13(A)(1), Resource Protection District

### **History**

- The proposed amendments to Chapter 1000, State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, Section 13(A)(1), Resource Protection District are intended to make a correction to the date used for the purpose of establishing Resource Protection District areas adjacent to certain wetlands that are rated as moderate or high value waterfowl and wading bird habitat. Specifically, the corrections will establish the date of December 31, 2008 for such freshwater wetland areas, and will re-establish the original and intended date of January 1, 1973 for these coastal waterfowl and wading bird habitat areas. This rulemaking is not intended to set significant new policy or establish new numerous Resource Protection District areas, rather it is expected to reduce the overall shoreland zoned area placed into a Resource Protection District.
- A draft of the amendments was made available for informal comment on the web.
- The proposed rules were posted to public comment and the comment period ended July 30, 2010 at 5:00 pm. There were no requests for a public hearing.
- Comments were received from two people.

### **Comment and Response**

The following people submitted written comments.

- (1) Hubert Billings, Code Enforcement Officer, Town of Deer Isle
- (2) Jennifer Burns Gray, Staff Attorney & Advocate, Maine Audubon

Comments reflected below are grouped according to topic, and may be abbreviated and/or consolidated. In some cases, typographical or other minor errors in comments have been corrected. Additional amendments proposed in response to comments are shown in double underline and double strike.

#### **Section 13(A)(1), Resource Protection District**

**Comment.** (H. Billings) Some of the areas that would become subject to the Resource Protection District requirement are developed areas. The fiscal impact of this rule will be very large in lost taxes, cost of amendments, and the impact on the land owners and the town.

**Response.** During its development of the December 31, 2008 data set for Inland Waterfowl & Wading Bird Habitat areas, the Department of Inland Fisheries & Wildlife excluded those areas with significant development and such areas are not subject to the Resource Protection District requirement. Coastal areas requiring Resource Protection District zoning will remain unchanged from the requirements established by this Rule on December 15, 1973. Nearly half of the municipalities have already adopted ordinance amendments consistent with the proposed rule. The remaining municipalities are either already working to adopt this and numerous other required amendments to their ordinance or the State will adopt this and the other required

amendments for the municipality with no direct fiscal impact to the municipality. The Department is unaware of a municipality that has experienced a significant decrease in tax revenue as a result of Resource Protection District zoning since it has been implemented in the early 1970's.

**Comment.** (J. Gray/ Maine Audubon) Maine Audubon supports the proposed Chapter 1000 rulemaking as it is important to use the highest quality data possible. Protecting these wetlands and the shoreland zoned buffer is important to protect crucial nesting grounds and foraging areas for waterfowl and wading birds. These wetlands provide numerous other additional beneficial functions to people, including shoreline erosion protection, improving water quality and protection of shellfish beds through filtration of pollutants from water, and a significant economic benefit through the sale of licenses to waterfowl hunting licenses and hunting supplies.

**Response.** The Department agrees with the comments provided from Maine Audubon.